

THE INDIANAPOLIS MARION COUNTY LAW ENFORCEMENT
CONSOLIDATION COMMITTEE

DATE: October 17, 2005

CALLED TO ORDER: 5:38 p.m.

ADJOURNED: 8:12 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman
Lonnell Conley
Ron Gibson
Dane Mahern
Lincoln Plowman
William Oliver
Joanne Sanders

Absent Members

Lynn McWhirter
Marilyn Pfisterer

AGENDA

PROPOSAL NO. 471, 2005 - amends the Code to establish a metropolitan law enforcement agency through the consolidation of the Indianapolis Police Department and the Marion County Sheriff's Department, to establish a transition advisory board and make other provisions to ensure that such consolidation proceeds in an orderly fashion, and to make corresponding technical changes to numerous sections of the Code

"Amended and Held for Further Study"

Vote: 7-0

PROPOSAL NO. 534, 2005 - urges the Indianapolis Police Department and the Marion County Sheriff's Department to collaborate to enhance public safety throughout Marion County

"Do Pass as Amended"

Vote: 6-1

THE INDIANAPOLIS MARION COUNTY LAW ENFORCEMENT
CONSOLIDATION COMMITTEE

The Indianapolis Marion County Law Enforcement Consolidation Committee of the City-County Council met on Thursday, October 17, 2005. Chairwoman Mary Moriarty Adams called the meeting to order at 5:38 p.m. with the following members present: Lonnell Conley, Ron Gibson, Dane Mahern, Lincoln Plowman, William Oliver, and Joanne Sanders. Also in attendance were Councillors Susie Day, Scott Keller, Isaac Randolph, President Steve Talley, Aaron Haith (General Counsel), and Bart Brown, the Council's Chief Financial Officer. Absent were Lynn McWhirter, and Marilyn Pfisterer.

PROPOSAL NO. 534, 2005 - urges the Indianapolis Police Department and the Marion County Sheriff's Department to collaborate to enhance public safety throughout Marion County

Councillor Sanders said that the only thing that is being considered is consolidation, not collaboration; therefore, in order for Proposal No. 534, 2005 to have any substance the word "collaboration" needs to be changed to "consolidation".

Councillor Plowman stated that he would urge the committee not to support the insertion of the word consolidation. He said this is an effort to work things out without the tremendous effect the proposed consolidation will have on the taxpayers and law enforcement of Marion County.

Councillor Sanders moved, seconded by Councillor Conley, to "Amend" Proposal No. 534, 2005, by striking the word "collaborate" throughout the proposal and using the word "consolidate." The motion carried by a vote of 6-1 with Councillor Plowman casting the negative vote.

Vince Huber, Fraternal Order of Police, asked if this proposal would create one department out of the two that are currently in existence. Councillor Plowman stated that this is a non-binding resolution to try and come together in an effort to solve the law enforcement situation in Marion County without consolidation. Mr. Haith stated that this resolution would not change the procedure that is set out, as it is considered the final determination of Proposal No. 471, 2005. This amendment does not answer the question of Proposal No. 471, 2005.

Councillor Sanders moved, seconded by Councillor Gibson, to send Proposal No. 534, 2005 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 6-1 with Councillor Plowman casting the negative vote.

Councillor Plowman stated that the Minority Leader and other members of the Republican Caucus have spoken with President Talley about being replaced on the Consolidation Committee, because prior to the dates being set for the meeting, two Republican members had vacations planned at the beginning of the year. He said they have made requests, both informally and in writing, to have those two people replaced on

the committee. President Talley stated that the membership of special committees is determined by the president only, not the Committee on Committees. He said he made the decision not to replace the Councillors that are on vacation simply because it would not be fair to the committee, the new members, or the members of the public. President Talley said that he will not try to solve an attendance problem on the Republican side of the aisle by replacing people when this committee is only one meeting away from adopting or not adopting Proposal No. 471, 2005.

Councillor Gibson stated that the same thing has happened on the Democrat's side of the aisle. He said that on October 26, 2005 he will be out of town and will not be able to make the committee meeting that night, so this ruling applies on both sides of the aisle.

PROPOSAL NO. 471, 2005 - amends the Code to establish a metropolitan law enforcement agency through the consolidation of the Indianapolis Police Department and the Marion County Sheriff's Department, to establish a transition advisory board and make other provisions to ensure that such consolidation proceeds in an orderly fashion, and to make corresponding technical changes to numerous sections of the Code

Councillor Gibson moved, seconded by Councillor Sanders, to substitute some new language for Proposal No. 471, 2005, which is on file as Exhibit A. The motion carried by a vote of 7-0.

{Clerks note: General Counsel Haith and Susannah Overholt, Transition Director, reviewed the highlighted changes in the amended version of Proposal No. 471, 2005, which is substituted as Exhibit A.}

Mr. Haith stated that the primary purpose of Exhibit A is to correct some inconsistencies in the language, grammatical changes, and incomplete sentences.

Councillor Plowman referred to section 279-234.E and asked if, on the effective day of consolidation, anyone from IPD or MCSD with an appointed rank, that is not a lieutenant, would be demoted on the effective date of consolidation. Mr. Haith stated that there would have to be some changes, but in section 279-103 there is the language that says no one would lose benefits. Councillor Plowman stated that this language is confusing and asked if it should be clarified. Mr. Haith stated that he would write any proposed amendment that is requested.

Councillor Plowman referred to section 279-203 and asked if the Public Safety director only has control over the Fire Department, how would the director be allowed to appoint two members to the advisory committee. Mr. Haith stated that the Public Safety director has some knowledge that would benefit the advisory committee.

Councillor Keller stated that it is highly unlikely that section 279-203 will survive as written.

Councillor Randolph referred to section 279-234.E and asked if benefits are classified as something separate from salaries. Mr. Haith answered in the affirmative and added that when reading this section it must be read along with section 279-103, which refers to the benefits and earning of credits. However section 279-234 does not apply to an individual who becomes a member of the Metropolitan Law Enforcement Agency under section 279-103.

Councillor Sanders asked for a clarification of what the situation is with Social Security. Ms. Overholt stated that the current situation is that MCSD is covered by Social Security and IPD is not covered by Social Security. Mary Beth Braitman, an attorney with Ice-Miller, stated that there are a variety of ways to get into Social Security. There are some groups that must be covered and some that may be covered in the public sector. MCSD was required to be in Social Security because there was no pension plan for the Sheriff's Department when they became a department. IPD has had a retirement plan since 1925 and this made IPD's Social Security coverage elective. Over the course of time the election was made not to be covered by Social Security, which is permissible under Federal law. She said the creation of a new agency would create an opportunity for discussions with the Social Security Administration if there were a request for a different arrangement with respect to that new entity. Ultimately the Social Security Administration will decide what options are permissible. Ms. Braitman stated that by taking a group of people out of Social Security, the benefit of how much they would receive depends on how long they were covered in Social Security. She said that when looking at a large population and considering whether to add new people into Social Security or take existing people out there are a number of things that could occur. First, there are significant taxes due for Social Security coverage for individuals to be placed into Social Security. There are significant benefits which would be protected if a group with long service was to be taken out of Social Security; and there would be benefits that the people in Social Security would have already approved, which would then have certain parts reduced for periods of employment not covered.

Councillor Sanders stated that no one involved in the consolidation process is in the process to deny Social Security benefits to anyone in either of the two departments. She said that it is just one element of what needs to be studied to determine what impact consolidation will have on the current Social Security setup.

Councillor Gibson asked if there is a vote process that must take place in conjunction with the Federal approval process. Ms. Braitman stated that consolidation on this level does not occur constantly by any means, so each situation would need to be worked through with the Social Security Department. She said one possible approach would be to have a referendum. Individuals that are

covered under Social Security could opt whether to stay in or exit Social Security. This would involve an individual assessment verses the benefit.

Councillor Plowman asked if there was a \$1.3 million savings included by the IndyWorks proposal if Social Security is taken away. Mr. Brown stated that was based on the amount of the current deputies' salary times 6.2 percent.

Councillor Bowes asked if the benefits come from Social Security only after nine quarters. Ms. Braitman stated that there are different requirements. Councillor Bowes asked if there was a decision made not to be covered by Social Security, how it would affect the dollar amount change. Ms. Braitman stated that a deputy that has 30 years or more of coverage would be exempt from the windfall elimination. Their benefit may not go up as much as it would if the deputies remained in Social Security but the increment would not increase. She said a deputy who has less than 30 years, but more than 20, would have some reduction if they did not have any other Social Security coverage. However, if they were to work a second job that would offer Social Security, then they could keep working and avoid the windfall elimination.

Councillor Plowman asked what would be the additional cost to the city if the proposed new department opted into Social Security. Ms. Overholt said that the total is in excess of \$4 million.

Councillor Bowes asked if there are any other mechanisms for taking advantage of some other pension type systems that would take over the kind of benefits that would be lost if a deputy opted out of Social Security. Ms. Braitman stated that one option would be to contribute those dollars that would have been contributed to Social Security to a 457 qualified compensation plan. She said that this would allow on a departmental basis for dollars to be put in an account. If the deputy leaves the department before they can be vested the monies can be used for retirement savings to create additional monthly benefits. Ms. Braitman stated that there are alternative structures that are used in many jurisdictions.

Ms. Overholt stated that the funds that have been paid into Social Security would not disappear if there is a consolidation, and under the formulas that the Social Security Administration uses the money would be paid back to the deputies at the appropriate time. She said that the deputies that are currently paying into Social Security would have that increase in their take-home pay.

The following people spoke in support of consolidation: State Senator Glen Howard, State Senator Billie Breaux, Ed Delaney, Sue Swayze, and Paul Bateman, Some key statements were:

- Consolidation will make law enforcement more efficient.

- Marion County will have the largest law enforcement agency in the State of Indiana if a consolidation is adopted.
- Under the current proposal, the Sheriff would only report to the citizens of Marion County.
- A merger would build a unified city-wide police force of the highest quality under the direction of the County Sheriff to promote efficiency and improve public safety with existing resources.
- Merging the two departments would spread the tax base more equitably.
- The fairest most cost-effective way to fund and deliver services is to consolidate those parts of local government that Uni-Gov did not touch.
- Proposal No. 471, 2005 will provide more police protection and coverage to the people of Marion County as well as provide an immediate tax relief to the citizens of Center Township.

The following people spoke in opposition of consolidation: Pat Vernon, Hugh Wunderly, Carol Radtke, Alan K. Albreaut, Roger Bowser, Paul Cauley, Kevin R. King, Steve Davis, Paul Thompson, Karen Hamilton, Kathleen Kindred, Vince Huber, Tom Koppel, Bobby Allen, Larry Jahnke, Leigh Richards, Rob Chappell, Cathy Burton, Crystal Hill, Janice McHenry, Lisa Howard, and Scott Allen.

Some key statements were:

- The Social Security issue is a big problem and it needs to be fully addressed before any consolidation is considered.
- Request for a second look at the possible consolidation, as it is a rushed process.
- There are other ways to come up with funding to pay for public safety as it is. Some examples are: Place a special tax on ball games and special events that come into the city.
- Studies have shown that a consolidation will not save money, but will only increase in cost.
- The citizens should vote on whether consolidation should take place or not.
- The current plan is not reasonable, adequate, or in the public interest.
- All too often jurisdictions considering consolidation rush into spending thousands of dollars to hire consultants to conduct a study and recommend for or against

consolidation. The step most often missed is that of gauging existing local City and County support for consolidation of any kind.

- There is a lot of law enforcement personnel that should have been consulted before any plan on consolidation was created.

The following people spoke not against or in favor of consolidation, but with questions and concerns: Paul Thompson, Troy Turner, Robert Yahara, and Josh Jhaugnezy.

Some questions and concerns were:

- Will the current IPD officers be taken away from their service district and placed in the sheriff's district?
- What positions will be eliminated due to duplication of services, and where will the people in those positions be placed?
- Many officers are not unilaterally opposed to consolidation but remain deeply troubled by what appears to be a lack of public planning and failure to properly organize an already challenging process.

Chairwoman Moriarty Adams thanked everyone for their comments. She also advised all of the other Councillors to study amendments that were included in the packets, as they will be up for discussion at the next law enforcement consolidation meeting.

CONCLUSION

With no further business pending, and upon motion duly made, the Administration and Finance Committee of the City-County Council was adjourned at 7:46 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman
The Indianapolis Marion County
Law Enforcement Consolidation
Committee

MMA/rjp